

II. Remarks

Reconsideration and allowance of the present application are respectfully requested.

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Applicant has amended Claim 1 to add in the preamble of the claim language to clarify that the process is conducted in a die press having a first die including a first non-planar surface and a second die including a second non-planar surface. The die press is operable between an open position and a forming position. The first non-planar surface and the second non-planar surface are substantially complementary to define a substantially constant gap between them in the forming position. This preamble language in amended claim 1 is clearly supported in the drawings and accompanying text of the present application. Claim 1 has been further amended to clarify the step of disposing a composite stack in the open position of the die press. This is clearly shown in Figure 2 of the present application. Claim 1 has been further amended to include the step of causing the die press to transition from the open position to the closed position – this is the transition between Figures 2 and 3 of the present application and is clearly discussed on pages 7 and 8 of the present application. Claim 1 has also been amended to include the step of moving a periphery of the stack in a direction towards the centre thereof while maintaining a thickness of the stack that is substantially equal to the gap. This can be clearly seen in Figures 2 and 3 of the present application. Specifically, in Figure 2, the composite stack spans almost the entire distance in the open position of the die press. In Figure 3, it is clear that the periphery of the stack has moved towards the centre thereof in the closed position of the die

press. Claim 4 has been amended for consistency with the amendments made to Claim 1. Accordingly, Applicant submits that the amendments submitted herein do not add new subject matter to the present application.

In Paragraphs 1-4 of the outstanding Official Action, the Examiner rejects Claims 1-22 under 35 U.S.C. §112 (first and second paragraphs). The Examiner was particularly concerned with the expression "drawing inward the periphery of said stack from a first position to a second position by applying a uniform pressure to the stack with said die press".

The rejections in Paragraphs 1-4 of the outstanding Official Action are moot since the offending language does not appear in Claim 1. For the record, Applicant wishes to note that the amendment to Claim 1 has been made for the sole purpose of advancing prosecution of the present application and should not be confused with acquiescence to the propriety of the ascertains made by the Examiner. In fact, Applicant believes previous Claim 1, which was amended by Applicant on October 17, 2003, was in complete compliance with 35 U.S.C. §112 (first and second paragraphs).

The Examiner is requested to reconsider and withdraw the rejections raised in Paragraphs 1-4 of the outstanding Official Action.

In Paragraphs 5-7 and 11 of the outstanding Official Action, the Examiner raises two rejections under 35 U.S.C. §103(a).

First, the Examiner rejects Claims 1-22 under 35 U.S.C. §103(a) as being purportedly unpatentable over either one of United States patent 5,985,457 [Clifford] or

International Publication Number WO 00/48831 [Dion] and any of Japanese patent 11-151530, Japanese patent 11-347642 or United States patent 6,032,504 [Onat et al. (Onat)] "optionally further taken with" either one of Japanese patent 58-252216 or United States patent 5,152,047 [Kojimia et al. (Kojimia)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

This rejection was previously raised by the Examiner. In Paragraph 11 of the outstanding Official Action, the Examiner responds to Applicant's prior arguments against this rejection. The import of the comments of the Examiner is that the prior version of Claim 1 did not exclude the use of a retaining means. Applicant has amended Claim 1 to clarify the present process by including, as a positively recited step, moving a periphery of the stack in a direction toward the centre thereof while maintaining a thickness of the stack substantially equal to the uniform gap between the first non-planar surface and the second non-planar surface in the forming position of the die press. Accordingly, Applicant submits that the Examiner's comments concerning exclusion of the use of retaining means are moot.

Applicant maintains that Dion is not a citable reference. Notwithstanding this, as the Examiner has acknowledged, neither Clifford nor Dion "suggest the specific pressing operation". As such these references are irrelevant to Claim 1 which is directed to a pressing operation. In other words, Applicant submits that it is not reasonable to use as a principal reference under 35 U.S.C. §103(a) a document which the Examiner acknowledges does not teach a method which is the subject of current Claim 1.

As stated in Applicant's amendment dated March 25, 2004, the secondary references relied on by the Examiner fail to teach or reasonably suggest a process during which, for example, a periphery of the stack is moved in a direction towards the centre thereof.

With regard to Japanese patent 11-151530, the Examiner asserts that "the blank must be drawn inward during the molding operation out of the planar condition". Applicant submits that it is unreasonable to infer what "must" be happening during a process described in the reference. The reference should be used for what it teaches. There is no basis on which the Examiner can reasonably extract from the reference what "must" be happening.

Concerning the Examiner's comments on Japanese patent 11-347642 and Onat, Applicant submits that the Examiner's comments are moot in light of the amendment to Claim 1. Specifically, neither of these references teach or suggest a process during which a periphery of the stack is moved in a direction towards the centre thereof.

The second rejection of Claims 1-22 under 35 U.S.C. §103(a) is a repeat of the first rejection further taken with United States patent 4,080,819 [Hook et al. (Hook)] or United States patent 4,225,553 [Hirota et al. (Hirota)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Initially, Applicant believes this rejection will fall if the Examiner is persuaded by the above arguments concerning the first rejection raised under 35 U.S.C. §103(a).

Notwithstanding this, Applicant makes the following remarks concerning Hook and Hirota. Neither Hook nor Hirota teach or suggest a process for forming a composite part as

set out in Claim 1 amended herein. Specifically, neither Hook nor Hirota teach or suggest a die press as recited in the preamble of Claim 1 amended herein. This is particularly evident with reference to the drawings in Hirota. Accordingly, Applicant requests that the second prior art rejection be reconsidered and withdrawn.

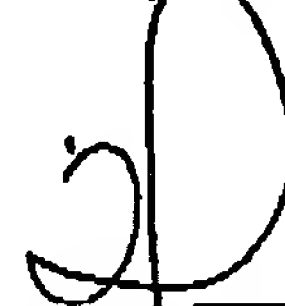
In Paragraphs 8-10 of the outstanding Official Action, the Examiner maintains the double patenting rejection. In response, Applicant re-submits the Terminal Disclaimer. The Examiner is requested to reconsider and withdraw the double patenting rejection.

In light of the above, reconsideration and allowance of the present application are respectfully requested.

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